

IN THE FAIR WORK COMMISSION

Matter No: AM2021/54

Casual terms award review 2021

OUTLINE OF SUBMISSIONS - UNITED WORKERS UNION

FOOD, BEVERAGE AND TOBACCO MANUFACTURING AWARD (GROUP 1) PROVISIONAL VIEW

Background

1. On 16 July 2021, the Fair Work Commission (**FWC**) handed down their decision after a five-member Full Bench reviewed the ‘relevant terms’, per clause 48 of the *Fair Work Act 2009* (**the Act**), in an initial group of 6 modern awards (Stage 1 awards).
2. On 3 August 2021 the FWC issued a Statement with respect to the Stage 2, Group 1 Awards (**Statement**).
3. The Statement sets out the provisional view of the FWC with respect to the Group 1 Awards and provides proposed actions for certain clauses in each of those Awards.¹
4. Interested parties were requested to provide their views in relation to the Group 1 Awards by Tuesday 10 August 2021. A directions hearing was then held on 16 August in relation to the following Group 1 Awards (**opposed Awards**):
 - a. *Broadcasting, Recorded Entertainment and Cinemas Award 2020*;
 - i. Clause 11.6
 - b. *Building and Construction General On-site Award 2020*;
 - i. Clause 12.1 and Clause 13
 - c. *Electrical, Electronic and Communications Contracting Award 2020*;
 - i. Clause 11.5
 - d. *Food, Beverage and Tobacco Manufacturing Award 2020*;
 - i. Clause 10.8 and Clause 10.9
 - e. *Joinery and Building Trades Award 2020*;
 - i. Clause 12
 - f. *Meat Industry Award 2020*;
 - i. Clause 11, Clause 8.3, Clause 8.4, Clause 12.1, Clause 12.4 and Clause 12.12
 - g. *Mobile Crane Hiring Award 2020*; and

¹ Statement [2021] FWCFB 4714 (3 August 2021), Attachment B

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- i. Clause 9.7
 - h. *Plumbing and Fire Sprinklers Award 2020*
 - i. Clause 12.4

5. The FWC issued Directions requiring all interested parties to provide submission and evidence in relation to opposed awards, including a direction to make submission and evidence in relation to those Awards effected by casual conversion provisions by 5:00pm, Tuesday 24 August 2021.
6. These submissions are made by United Workers Union (UWU) in relation to clause 10.8 and 10.9 of the *Food, Beverage and Tobacco Manufacturing Award 2020* (**Food and Beverage Award**).
7. The UWU understands that the ACTU and its affiliate Unions will be making submissions in relation to the remaining ‘opposed Awards’. The UWU supports those submissions.

Provisional view for casual conversion provisions of the Food and Beverage Award

8. As noted by the Full Bench, the casual conversion clause found in the Food and Beverage Award is similar to the casual conversion clause in the *Manufacturing and Associated Industries and Occupations Award 2020* (**Manufacturing Award**)².
9. The Full Bench found that the casual conversion provisions of the Food and Beverage Award:
 - a. are less beneficial overall than the residual right to casual conversion under the Act; and
 - b. that difficulty or uncertainty arises in relation to the clause because of the significantly different prescriptions in the award and the Act about the same subject matter.³
10. The provisional view of the FWC is therefore to delete Clause 10.8 from the Food and Beverage Award and replace it with a reference to the NES casual conversion entitlements to satisfy the requirement in cl.48(3) of Schedule 1.⁴
11. The UWU opposes the provisional view in relation to the casual conversion provisions of the Food and Beverage Award (clause 10.8).

Food and Beverage Award industries covered by the United Workers Union

12. The UWU has coverage under its Rules to represent workers engaged in industries under the Food and Beverage Award.

² Ibid at [20]

³ Ibid at [22]

⁴ Ibid at [22 (3)]

13. Over ten percent of UWU’s total membership work in industries that the Food and Beverage Award has coverage over. Members in this industry are employed under both the Food and Beverage Award and enterprise agreements.
14. Workers in Food and Beverage Award industries are generally among some of the lowest paid in Australia, particularly when only employed under an Award – “Employees paid by Award only had the lowest average hourly total cash earnings (\$29.40), were paid for the lowest average total hours per week (26.8 hours) and received the lowest average weekly total cash earnings (\$787.70). These employees accounted for 22.5% of all non-managerial employees”.⁵
15. The make-up of workers engaged in Food and Beverage Award industries varies depending on multifactorial contributors such as the nature of the particular sub-industry and the nature of the employer. However, overall, the UWU observes across the workplaces that we engage with that the majority of employees are employed casually, both directly and indirectly – that is, labour hire employees, employed by a labour hire agency, placed at the host site.
16. The UWU posits based on the above, and the evidence from UWU Official Preen Minhas (attached) that the Food and Beverage Industry has traditionally been a highly casualised, low paid, insecure industry for a worker.
17. One observation however from UWU Organiser Margaret Te Awa, is that since the onset of the Covid-19 pandemic, employers in the Food and Beverage Industry have been more interested in employing workers both directly and permanently⁶. The utility then of Clause 10.8 of the Food and Beverage Award has never been more important in ensuring permanent work sooner, given the insecurities in employment posed by the pandemic.

‘Ready-made meals’ sub industry

18. The utilisation of the clause is perhaps most evident in the ‘ready-made meals’ sub industry, which includes a number of major employers including Youfoodz, Hellofresh, Marley Spoon, Lite N Easy, Country Chef and Vesco Foods. These companies all produce ready made frozen or fresh packaged meals.
19. This sub industry is growing very quickly in Australia. One of the largest employers in this sub-industry, Youfoodz, self-reported a gross revenue increase of 23.3% in the third quarter of the 2020-2021 financial year.⁷ The Research arm of JLL notes:

⁵ Of the 19 industries included the most recent ‘Employee Earnings and Hours, Australia’ data from the Australian Bureau of Statistics (‘ABS’), the manufacturing sector, which includes food manufacturing, is the sixth lowest paid industry in Australia for non-managerial employees. See Australian Bureau of Statistics, *Employee Earnings and Hours, Australia, May 2018* (Catalogue No. 6306.0, 22 January 2019), <<https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/employee-earnings-and-hours-australia/may-2018#non-managerial-employees>>

⁶ Witness Statement of Margaret Te Awa

⁷ Youfoodz Holdings Ltd, ‘Youfoodz delivers strong Q3 FY2021 revenue growth over pcp and provides FY2021 guidance update’ (ASX Announcement, 23 April 2021), 1 <<https://www.investors.youfoodz.com/site/PDF/ac9757f3-7312-4b3d-a7de-0ef5482b7361/Appendix4CQ3FY21QuarterlyBusinessGuidanceUpdate>>

The industry had been growing significantly pre-COVID as a result of rapid urbanisation, higher employment and busier lifestyles. The pandemic accelerated the trend and encouraged consumers to stay and eat at home mandatorily. Online retailers such as Hellofresh, Youfoodz and Marley Spoon saw enormous demand for their products during COVID-19. HelloFresh recorded 103% (YoY) growth in order numbers and 74% (YoY) rise in active customers. While Marley Spoon recorded an increase in Australian revenue of 82% (compared to the previous corresponding period).⁸

20. UWU has members employed by all the companies listed above, in Queensland, New South Wales, and Victoria. As evidenced in the attached statements of Ms Minhas and Ms Te Awa, the workforce of these companies is predominantly made up of casual employees.
21. In a growing industry which is overwhelmingly covered by the Food and Beverage Award, or indeed where the Food and Beverage Award has set the standard for existing EAs, the ability for casual employees to request conversion to permanent employment after 6 months has been a key component of workers' advocacy to protect and preserve secure work. This is evidenced in the statement of UWU Organiser Margaret Te Awa who outlines the use of the 6-month causal conversion clause at two worksites.

Food and Beverage Award provision not less beneficial

22. The casual conversion entitlement of the Food and Beverage Award largely replicates that of the Manufacturing Award, including the capacity for a casual employee to seek casual conversion upon 6 months of engagement, where other prerequisite requirements are met.
23. Regarding the conversion clause found in the Manufacturing Award the Full Bench found:

[236] We confirm the provisional views we expressed in relation to the first 2 questions. In respect of the first question, nothing put before us has dissuaded us that the Manufacturing Award is less beneficial than the residual right to conversion now provided for in the NES in the 4 respects identified in our provisional view. Further, although we identified that the Manufacturing Award is more beneficial than the NES insofar as it allows a request for conversion to be made after only 6 months' casual employment, it is not clear that this benefit is of the degree of significance assumed in the submissions of the AMWU and the other unions. Eligibility for the NES entitlement under s.66F(1)(a) arises after 12 months' employment simpliciter, whereas under cl.11.5(a) of the Manufacturing Award eligibility to request conversion only arises after 6 months' regular casual employment (or, more precisely, 6 months' casual employment other than as an irregular casual employee, defined in cl.11.5(k) as an employee engaged to perform work on an occasional or non-systematic or irregular basis). Thus, eligibility under the award will only arise after 6 months' employment if the casual employment has the features of regularity from the very outset. Experience would tend to suggest that this may not be common.

⁸ Hutchinson, A, 'The rise of the ready-made meal market and cold storage in Australia', *JLL Trends and Insights* (Web Page, 12 January 2021) < <https://www.jll.com.au/en/trends-and-insights/research/the-rise-of-the-ready-made-meal-market-and-cold-storage-in-australia>>

*There is no evidence before the Commission of the extent to which casual employees covered by the Manufacturing Award have historically exercised the award entitlement to request conversion after only 6 months' employment, or before 12 months' employment has been reached – or, indeed, the extent to which the entitlement is exercised at all.*⁹

24. The Full Bench acknowledged that while there are elements of the NES casual conversion clause which are more beneficial, the '6-month trigger' component of the Award is more beneficial:

[218] In the Provisional Views Statement, we expressed the following provisional view concerning the first question:

*'The Manufacturing Award casual conversion clause (cl.11.5) is more beneficial than the NES residual right to casual conversion to the extent that it allows a request for conversion to be made after only 6 months' casual employment...'*¹⁰

25. The UWU submits that although particular elements of the NES provision may be more beneficial than those of the Food and Beverage Award, the benefit of these entitlements (with the exception of the residual nature of the right to request under the NES) are marginal and, or relative to the particular circumstances of an employee.
26. In contrast, the ability to access casual conversion at 6 months of engagement as provided for in the Food and Beverage Award is significantly more beneficial than the requirement for a minimum of 12 months service as required by the NES provisions.
27. In its findings in relation to the Manufacturing Award, the Full Bench noted in relation to the ability to access the conversion entitlement at 6 months:

*[218] ...Experience would tend to suggest that this may not be common. There is no evidence before the Commission of the extent to which casual employees covered by the Manufacturing Award have historically exercised the award entitlement to request conversion after only 6 months' employment, or before 12 months' employment has been reached – or, indeed, the extent to which the entitlement is exercised at all.*¹¹

28. UWU posits that employees in the relevant Food and Beverage Award industries do use the current 6-month conversion provisions of the Food and Beverage Award at, or near to, the point of 6 months of engagement.
29. The UWU submits that the 6-month conversion entitlement has and continues to be used at both Youfoodz and Country Chef, as evidenced in the attached witness statement from Ms Te Awa.

⁹ Decision, 2021 FWCFB 4144 (16 July 2021) at [236]

¹⁰ Ibid at [218]

¹¹ Ibid at [218]

30. The examples of conversion in Ms Te Awa's statement demonstrate where an employee has had the capacity to request casual conversion at some point between their 6 and twelfth month of engagement. Employees identified in her Statement would have not had the capacity to make their requests had the NES 12 month trigger provision applied.
31. The UWU submits that access to a right to request conversion at 6 months of engagement is a part of employees capacity to promote and protect direct, permanent engagement within these industries; an important feature of the UWUs ongoing campaign work around 'secure jobs'.
32. As the utilisation or otherwise of the 6 month conversion provision was a relevant consideration identified by the Full Bench in its decision for the Manufacturing Award, we submit that it should also be a consideration that supports the preservation of a 6 month trigger entitlement in the case of the Food and Beverage Award.

Food and Beverage Award provision able to be preserved without difficulty or uncertainty

33. The UWU submits that where an Award casual term is more beneficial than the NES provisions, the FWC has the ability to preserve those particular terms, given that the 'ancillary and supplementary terms' to the NES may be included in Awards, where those terms are not detrimental to employees, per s55(4) of the Act.
34. In relation to the Manufacturing Award, the Full Bench did consider its capacity to preserve the right to access the casual conversion provision at the 6 month point but found:

*[246] 'Further, we consider that establishing a Manufacturing Award entitlement in parallel with the NES, but with a modified eligibility period, would increase the regulatory burden on employers and make the award system more complex and less easy to understand, with the result that we consider that the considerations in paragraphs (f) and (g) in s.134(1) would weigh significantly against making the proposed variation to cl.11.5.'*¹²

35. Employers in the food and beverage industries have an existing understanding of the obligation to consider casual conversion requests from the 6 month point and have the necessary structures in place to consider and response to such requests¹³. We submit that preservation of the 6-month trigger point does not increase a Food and Beverage Award employers regulatory burden but instead continues this existing obligation. We further submit that as there is no detriment to the employee, such a term could simply be included in the Award as a supplementary term to the NES.
36. Should the FWC consider that there is regularly burden or complexity created, the weight given to these considerations should be outweighed by the particular circumstances of the Food and Beverage Award – namely the current use of the 6 month trigger provision by employees, and the increasing rates of insecure work practices across these industries.¹⁴

¹² Ibid at [246]

¹³ Statement of Margaret Te Awa at [24]

¹⁴ Statement of Pareen Minhas at [6]

37. Accordingly, the UWW submits that the Food and Beverage Award variations in the provisional view should be amended to preserve the existing entitlement to request conversion after 6 months of engagement where the requirements for regular work patterns have been met. We submit that this could be achieved by deleting Clause 10.8 and replacing it with an altered version of the NES conversion clause which would include:

- a. Replacing '12 months' references at Sections 66B(1)(a) and (2)(c) to '6 months'; and
- b. Amending Section 66B(2)(a) to read "During that 6 month period, the employee has worked a regular pattern of hours on an ongoing basis which, without significant adjustment, the employee could continue to work as a full-time employee or a part-time employee (as the case may be)."

Hannah Miflin
For United Workers Union
23 August 2021

IN THE FAIR WORK COMMISSION

Matter No: AM2021/54

Casual terms award review 2021

STATEMENT OF MARGARET JOYCE TE AWA

I, Margaret Joyce Te Awa, care of [REDACTED] say as follows:

Background

1. I have been employed by United Workers Union ('UWU' or 'the Union') as an Organiser since 28 March 2017 in the Food and Beverage Portfolio. I am authorised to make this Statement for UWU.
2. Prior to this I was employed in the Storage Services Industry in Queensland and was the delegate at my worksite for the National Union of Workers ('NUW'), the predecessor the UWU.
3. My current role includes having regular discussions with delegates, members and non-members who work at worksites that are covered by the *Food, Beverage and Tobacco Manufacturing Award 2020 (the Award)*.
4. The worksites I have in my 'patch' (i.e., the worksites I am responsible for) include sites where workers are employed under both the Award and others which have an Enterprise Agreement ('EA'). My tasks include speaking with workers about joining the Union, assisting members with workplace disputes or to access certain entitlements, and participating in negotiations for EAs.

The food and beverage manufacturing industry

5. As part of my role, I regularly conduct workplace 'mapping' of food and beverage industries. My observation is that workers in this industry are largely employed as casuals – both direct and indirectly via labour hire agencies.

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6. However, since the Covid-19 outbreak, the employers at the worksites in my patch are moving towards employing their workers directly and permanently as they have realised it is both cheaper, and that people are willing and wanting secure permanent work during the pandemic. This has resulted in several Award sites in my patch which now employ casuals directly, where, pre-2020, employed their casuals largely indirectly.
7. This has resulted in a marked increase in workers using Clause 10.8 of the Award to apply for the increased permanent work options.

The ‘ready-made meals’ sub industry

8. The ‘ready-made meals’ sub industry is a good example where workers are using Clause 10.8 to apply for permanent work after 6 months. Some of the large Employers in my patch include YouFoodz, Vesco Foods, and Lite N Easy. All of these Companies are ‘ready-made meals’ manufacturers – producing packaged fresh and frozen meals.
9. Part of my role now is to organise workers at Youfoodz to work towards achieving an Enterprise Agreement.
10. We have achieved this in the past at Lite N Easy in Queensland¹ and Vesco Foods in Queensland², however the EAs at these sites are only marginally better than the Award and reflect the conditions in that Award – including 6-month conversion clauses³. My observation is that the whole industry is relatively low paid, and the Award tends to set the industry standard.

Example of casual conversion at Youfoodz

11. In 2018, the UWU ran a ‘secure jobs campaign’ for workers employed by Youfoodz. We were largely campaigning for more permanent jobs, as well as redress for underpayments.
12. As a result of this campaign, we achieved a casual conversion system and \$1.6 million in backpay. The casual conversion system relies on Clause 10.8 of the Award and is available to employees who have:
 - a. Been employed by Youfoodz for 6 months;

¹ *Mitchell's Group Enterprise Agreement 2020* [2021] FWCA 149

² *Cook Freeze Pty Ltd (Production Employees, Queensland) Enterprise Agreement 2019* [2019] FWCA 7550

³ [2021] FWCA 149, Clause 3.6.4 and [2019] FWCA 7550, Clause 8.3

- b. Worked regular hours (averaging a minimum of 18-30 hours per week); and
 - c. A good absentee record.
13. The following process sets out the system for achieving conversion under the Food and Beverage Award:
 - 12.1 Youfoodz advertises available permanent position on a software platform called 'Deputy', which acts as the company's communication app;
 - 12.2 Any employee who has been there for 6 months or more gets an email offering them the opportunity to apply;
 - 12.3 If the employee wants a permanent job they click on a link and send through their application; and
 - 12.4 If the employee meets the criteria outlined above they will be offered permanent work.
14. If someone is unsuccessful, I meet with Youfoodz management to determine why they were unsuccessful. The majority of unsuccessful cases are due to excessive absenteeism by the employee. In these instances, a management plan is set with management, the union and the employee to improve absenteeism with a view to applying again at a later date.
15. This process tends to operate automatically – i.e., the union is not required to assist members to gain conversion. One recent example of this was the conversion of ██████████, who was automatically converted after approximately 6 months. ██████████ was contacted by Youfoodz with an updated contract to reflect his conversion to permanency as well as providing new position description and additional information about casual employment outlined by the Fair Work Ombudsman.
16. There are other instances where we have had to advocate on behalf of workers who meet the requirements and want permanent work. Four recent examples include:
 - a. ██████████,
 - b. ██████████
 - c. ██████████
 - d. ██████████
17. Each of these casual Youfoodz employees were assisted by the union to make a casual conversion request using the attached union conversion forms (MTA-01).
18. In each example above, the employee was successful in gaining conversion to permanent employment.
19. An example of a letter confirming the request can be found attached (MTA-02), for Mr ██████████

Example of casual conversion at Country Chef

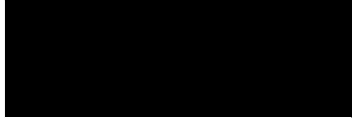
20. Country Chef is a Baking Specialist manufacturer which employs workers under the Food and Beverage Award. They have two worksites in Queensland where employees are engaged to prepare and package desserts.
21. The UWU has been organising at this worksite for approximately three years and have reached the point where workers are now interested in making an EA with the company.
22. Country Chef workforce is overwhelmingly casual, employed both directly and indirectly.
23. In 2019 UWU ran a campaign like the campaign we ran at Youfoodz, with the goal being to achieve more direct and permanent employment. We achieved this goal by winning a casual conversion system which works as follows:
 - a. 'Indirectly employed' workers who have worked 500 hours across a 6-month period are asked by Country Chef if they want to be employed directly. If they accept this and if a permanent part time or full-time job is available, they can then apply.
 - b. 'Directly employed' workers who have worked 500 hours across a 6-month period are asked by Country Fresh if they want to convert to permanent employment. This then automatically occurs for those workers who wish to take up the offer.

Employer engagement around casual conversion under the Food and Beverage Award

24. In my experience assisting workers with requests for casual conversion under the Food and Beverage Award, I have found that:
 - a. The large majority of employers covered by the Award have an understanding that an employee, if other requirements are met, can make a request to convert to permanent upon reaching 6 months of engagement; and
 - b. Some employers even have established automatic conversion processes that allow them to identify, consider and respond to whether an employee has met the requirements to request conversion from the 6-month period of engagement. This process occurs at YouFoodz and Country Chef, as identified above.

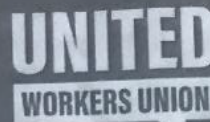
Signed by Margaret Te Awa

On 20 August 2021



.....

Signature



CASUAL CONVERSION REQUEST

I, [full name] _____
of [address] _____ QLD

have been engaged by IDK Pty Ltd (**Youfoodz**) on a regular basis for longer than a period of six months.

Having fulfilled the requirements of clause 13.4(a) of the *Food, Beverage and Tobacco Manufacturing Award 2010*, I request to be transferred to permanent [full/part] Full time employment under clause 13.4.

I remind Youfoodz of its obligation to confirm, in writing to me, the outcome of my request within four weeks of [date] 18/02/2020 and that it must not unreasonably refuse. I request Margaret Te Awa; margaret.teawa@untiedworkers.org.au be included in this correspondence.

Team ~~one~~ two

[sign] _____

[full name] _____

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CASUAL CONVERSION REQUEST

I, [full name] _____
of [address] _____ QLD
have been engaged by IDK Pty Ltd (**Youfoodz**) on a regular basis for longer than a
period of six months.

Having fulfilled the requirements of clause 13.4(a) of the *Food, Beverage and
Tobacco Manufacturing Award 2010*, I request to be transferred to permanent
[full/part] full time employment under clause 13.4.

I remind Youfoodz of its obligation to confirm, in writing to me, the outcome of my
request within four weeks of [date] 18/8/2020 and that it must not unreasonably
refuse. I request Margaret Te Awa; margaret.teawa@untiedworkers.org.au be
included in this correspondence.

Request Team 3

[sign] _____
[full name] _____ ?

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CASUAL CONVERSION REQUEST

I, [full name] _____
of [address] _____ QLD
have been engaged by IDK Pty Ltd (**Youfoodz**) on a regular basis for longer than a
period of six months.

Having fulfilled the requirements of clause 13.4(a) of the *Food, Beverage and
Tobacco Manufacturing Award 2010*, I request to be transferred to permanent
[full/part] FULL part time employment under clause 13.4.

I remind Youfoodz of its obligation to confirm, in writing to me, the outcome of my
request within four weeks of [date] 16/8/2020 and that it must not unreasonably
refuse. I request Margaret Te Awa; margaret.teawa@untiedworkers.org.au be
included in this correspondence.

Team 3

[sign] _____

[full name] _____

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CASUAL CONVERSION REQUEST

I, [full name] _____
of [address] _____ QLD
have been engaged by IDK Pty Ltd (**Youfoodz**) on a regular basis for longer than a
period of six months.

Having fulfilled the requirements of clause 13.4(a) of the *Food, Beverage and
Tobacco Manufacturing Award 2010*, I request to be transferred to permanent
[full/part] part time employment under clause 13.4.

I remind Youfoodz of its obligation to confirm, in writing to me, the outcome of my
request within four weeks of [date] 20/08/2020 and that it must not unreasonably
refuse. I request Margaret Te Awa; margaret.teawa@untiedworkers.org.au be
included in this correspondence.

Team One.

[sign] _____

[full name] _____

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@unitedworkersoz



19 November 2020

████████████████████
C/- United Workers Union

Via email

Dear ██████████

RE: REQUEST TO CONVERT YOUR CASUAL EMPLOYMENT TO PERMANENT EMPLOYMENT

I refer to previous correspondence received from the United Workers Union in which you have expressed interest in converting to permanent employment. In accordance with section 13.4 of the *Food, Beverage and Tobacco Manufacturing Award 2010*, the Company is writing to you to provide you with the outcome of your request. In determining the outcome, the Company has considered your current roster pattern and the operational requirements for your specific department.

Given your previous timesheet data and our inability to accurately predict production volumes in the business, we are unable to provide a 38 hour full time guarantee of hours. We are however able to offer a permanent part time role, working 45 hours per fortnight, with the following roster pattern:

Week 1:

Tuesday: 5:00am to 1:00pm (30 minute unpaid meal break)
Thursday: 5:00am to 1:00pm (30 minute unpaid meal break)
Sunday: 5:00am to 1:00pm (30 minute unpaid meal break)

Week 2:

Tuesday: 5:00am to 1:00pm (30 minute unpaid meal break)
Thursday: 5:00am to 1:00pm (30 minute unpaid meal break)

Please note that should you wish to accept this role, you will be guaranteed the above hours each fortnight, however your rate of pay will change and you will be eligible for additional entitlements. Enclosed is a Frequently Asked Questions document which provides additional information to consider.

Should you wish to take up the offer to convert to permanent part time employment, kindly advise me in writing no later than 5:00pm Wednesday 25 November 2020.

Yours faithfully

████████████████████
Chief People Officer

IN THE FAIR WORK COMMISSION

Matter No: AM2021/54

Casual terms award review 2021

STATEMENT OF PAREEN MINHAS

I, Pareen Minhas, C/- United Workers Union, 19 Argyle Street, Parramatta in the State of New South Wales say as follows:

Background

1. I have been employed by United Workers Union ('UWU' or 'the Union') since April 2018. I am currently employed as Industrial Officer ('IO') in the Food and Beverage Portfolio. Prior to this I was employed as an Organiser, also in the Food and Beverage Portfolio, in Victoria. I am authorised to make this Statement for UWU.
2. In my role with UWU, I work at the direction of the Food and Beverage Director, Susie Allison, and perform various tasks and functions in this role. I am primarily responsible for the day-to-day operation of the Union's legal and industrial activities in the food and beverage manufacturing industries of Australia.
3. In the course of my duties as an Organiser and now as an IO, I have regular discussions with delegates, members and non-members who work at worksites that are covered by the *Food, Beverage and Tobacco Manufacturing Award 2020 (the Award)*.
4. I am also regularly engaged to assist workers to resolve disputes or address entitlements that arise in relation to the Award or relevant Enterprise Bargaining Agreement ('EBA') where they exist, including the following:
 - a. providing information, advocacy and support Union members;
 - b. conducting advocacy in relation to Union members through engaging with their employers;
 - c. Representing members in relevant jurisdictions including the Fair Work Commission ('FWC') and other tribunals;
 - d. Drafting enterprise agreements;
 - e. Assisting members to participate in enterprise bargaining;
 - f. Being involved in enterprise bargaining negotiations; and
 - g. A range of other duties connected with or incidental to the foregoing.

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The food and beverage manufacturing industry

5. In my role as an organiser and IO, I have observed that casual workers at worksites in the industry are either employed directly by the company on the Food and Beverage Award, or are employed through a labour hire agency and work across multiple worksites.
6. I have observed that the food and beverage manufacturing industry as a whole to be a highly casualised and low-paid industry, with a significant portion of workers employed on the Award only.

The 'ready-made meals' sub-industry

7. In my role as organiser and IO, I have observed that there has been rapid growth in the 'ready-made meals' sub-industry over the past few months through research that I have undertaken, and increased union membership among employees working in the industry.
8. Through my conversations with workers employed at 'ready-made meals' worksites, I have observed that most workers are casual and low paid.
9. I have observed that the large companies in the 'ready-made meals' industry including Youfoodz, Lite N' Easy, Chef Fresh, Beak and Johnston City Kitchen and Marley Spoon, are highly casualised. In each of these companies, employees in are employed on either the Award only, or on an EBA depending on the State. For example in Victoria the majority of the worksites run by these companies are Award only.
10. Since about January 2019 to December 2020 I have assisted with the duties referred to in [4] in relation to Youfoodz's sites located in Queensland, and Marley Spoon's site located in Victoria.
11. In my role, I have assisted with undertaking workplace mapping of the Youfoodz sites. The make-up of employees is as follows:
 - a. There are approximately 50 permanent workers; and
 - b. Approximately 250 casual workers.
12. In my role, I have undertaken workplace mapping of the Marley Spoon site, the make-up of employees is as follows:
 - a. There are approximately 20 permanent workers; and
 - b. Approximately 75 casual workers.

13. I have also observed that workers in the 'ready-made meals' sub-industry are predominantly employed directly by the company rather than through a labour hire agency.

Signed by Pareen Minhas

On 19 August 2021



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Signature